# UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte MOHAMMAD REZA SHAFIEE AND SANKAR SUBRAMANIAN

Appeal No. 2005-0066
Application No. 09/487,049

ON BRIEF

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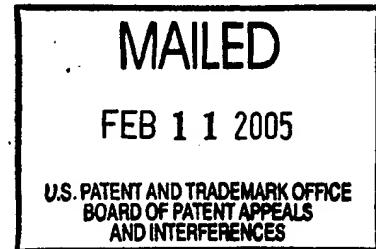
Before RUGGIERO, BARRY, and MacDONALD, *Administrative Patent Judges.*

BARRY, *Administrative Patent Judge.*

DECISION ON APPEAL

A patent examiner rejected claims 1-14, 20-30, and 33-42. The appellants appeal therefrom under 35 U.S.C. § 134(a). We affirm-in-part.

BACKGROUND

The invention at issue on appeal provides synchronized web browsing at a terminal. (Spec. at 1.) "Known" synchronized web browsing may be effected between a "guide" terminal (i.e., a terminal that navigates through content) and a "follower" terminal (i.e., a terminal upon which content retrieved by the guide terminal may be

rendered). According to the appellants, the guide terminal typically downloads a

synchronized web browsing applet to the follower terminal. (*Id.* at 3.) A web browser at

the follower terminal executes the applet to establish a synchronized web browsing

session. (*Id.* at 3-4.)

The appellants explain that malicious applets may be used to steal personal or

confidential information from a user's computer, destroy data at his computer, or do

some other malicious act via the user's computer. (*Id.* at 4.) Accordingly, their

invention establishes and facilitates a synchronized web browsing session between a

live agent at a station and a customer at a kiosk, without downloading an applet for the

synchronized browsing. (*Id.* at 4.) Typically, a call will have already been established

between the agent and customer. A session manager helps establish the session. The

station or kiosk can control access to content based on uniform resource locators

("URLs") and GO/NO GO lists or rules. (*Id.* at 56.)

A further understanding of the invention can be achieved by reading the

following claims.

20. A method for establishing a synchronized browsing session between a
guide terminal and a follower terminal configured such that at least one of

downloading applets is disabled and execution of applets is disabled, the method comprising steps of:

a) accepting a request for a synchronized browsing session from the guide terminal;

b) sending, in response to the acceptance of the request for a synchronized browsing session, a browsing request to the follower terminal;

c) accepting an acknowledge response from the follower terminal; and

d) sending, in response to the acceptance of the acknowledge response, an acknowledge response to the guide terminal.

28. In a guide terminal, a method for effecting a synchronized browsing session with a follower terminal, the method comprising steps of:

a) accepting a synchronized browsing command from an input device of the guide terminal;

b) encrypting the synchronized browsing command based on encryption information associated with the follower terminal; and

c) sending the encrypted synchronized browsing command to follower terminal.

29. The method of claim 28 further comprising a step of:

b1) determining whether or not access to content associated with the browsing command is permitted,

wherein the steps of (b) encrypting the synchronized browsing command and (c) sending the synchronized browsing command are

performed only if it is determined that access to content associated with the browsing command is permitted.

Claims 1, 2, 5-10, 28, 40, and 42 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,493,447 ("Goss") and U.S. Patent Application Publication No. 2001/0054064 ("Kannan"). Claims 3, 4, 29, 30, and 39 stand rejected under § 103(a) as obvious over Goss; Kannan; and U.S. Patent No. 5,784,564 ("Camaisa"). Claims 11-13, 20, 33, 34, 36, and 37 stand rejected under § 103(a) as obvious over U.S. Patent No. 6,181,689 ("Choung"). Claims 14, 21, 22, and 35 stand rejected under § 103(a) as obvious over Choung and Kannan. Claims 23, 26, 27, 38, and 41 stand rejected under § 103(a) as obvious over Goss and Camaisa. Claims 24 and 25 stand rejected under § 103(a) as obvious over Goss, Camaisa, and Kannan.

OPINION

Our opinion addresses the claims in the following order:

- claims 1, 2, 5-10, and 28
- claims 3, 4, 23, 26, 29, 30, and 41
- claims 24 and 25
- claims 27, 38, and 39
- claims 40 and 42
- claims 11-13, 20, 33, 34, 36, and 37
- claims 14, 21, 22, and 35.

A. Claims 1, 2, 5-10, and 28

"[T]o assure separate review by the Board of individual claims within each group of claims subject to a common ground of rejection, an appellant's brief to the Board must contain a clear statement for each rejection: (a) asserting that the patentability of claims within the group of claims subject to this rejection do not stand or fall together, and (b) identifying which individual claim or claims within the group are separately patentable and the reasons why the examiner's rejection should not be sustained." *In re McDaniel*, 293 F.3d 1379, 1383, 63 USPQ2d 1462, 1465 (Fed. Cir. 2002) (citing 37 C.F.R. §1.192(c)(7) (2001)). "If the brief fails to meet either requirement, the Board is free to select a single claim from each group of claims subject to a common ground of rejection as representative of all claims in that group and to decide the appeal of that rejection based solely on the selected representative claim." *Id.*, 63 USPQ2d at 1465.

Here, the appellants stipulate, "[c]laims 1, 2, 5-10 and 28 stand together." (Appeal Br. at 5.) We select claim 28 from the group as representative of the claims therein.

With this representation in mind, rather than reiterate the positions of the examiner or the appellants *in toto*, we focus on the sole point of contention

therebetween. The examiner finds, "Goss et al disclose . . . generating a browsing

command at the guide terminal and sending the browsing command to the follower

terminal (Col. 8, lines 50-63. . . ." (Examiner's Answer at 3-4.) He also finds, "Kannan

. . . teaches that secure communication can be attained because the invention

incorporates a Secure Socket Layer []or other Web security technique (Page 3, 0032;

Page 5, 0063; Page 11, 0129) such as a Secure Hypertext Transport Protocol (Page 4,

0061), which were well known security protocols at the time of applicant's invention,

designed to support various encryption and authentication measures such as public

key encryption to keep all transactions secure from end to end." (*Id.* at 4.) The

appellants argue, "[s]ecuring . . . **personal information** with encryption in no way

suggests securing a browsing command using encryption." (Appeal Br. at 9.)

In addressing the point of contention, the Board conducts a two-step analysis.

First, we construe the representative claim at issue to determine its scope. Second, we

determine whether the construed claim would have been obvious.

1. Claim Construction

"Analysis begins with a key legal question — *what* is the invention *claimed?*"

Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1567, 1 USPQ2d 1593, 1597 (Fed.

Cir. 1987). In answering the question, "the Board must give claims their broadest

reasonable construction. . . ." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664,

1668 (Fed. Cir. 2000).

Here, claim 28 recites in pertinent part the following limitations: "encrypting the

synchronized browsing command. . . ." Giving the representative claim its broadest,

reasonable construction, the limitations require encrypting a synchronized browsing

command.

2. Obviousness Determination

Having determined what subject matter is being claimed, the next inquiry is

whether the subject matter would have been obvious. The question of obviousness is

"based on underlying factual determinations including . . . what th[e] prior art teaches

explicitly and inherently. . . ." *In re Zurko*, 258 F.3d 1379, 1383, 59 USPQ2d 1693,

1696 (Fed. Cir. 2001) (citing *Graham v. John Deere Co.*, 383 U.S. 1, 17-18, 148 USPQ

459, 467 (1966); *In re Dembiczak*, 175 F.3d 994, 998, 50 USPQ 1614, 1616 (Fed. Cir.

1999); *In re Napier*, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995)).

"Non-obviousness cannot be established by attacking references individually where the

rejection is based upon the teachings of a combination of references." *In re Merck*, 800

F.2d, 1091, 1097, 231 USPQ 375, 380 (Fed. Cir. 1986) (citing *In re Keller*, 642 F.2d

413, 425, 208 USPQ 871, 881 (CCPA 1981)). "'Rather, the test is what the combined

teachings of the references would have suggested to those of ordinary skill in the art.'"

Cable Elec. Prods., Inc. v. Genmark, Inc., 770 F.2d 1015, 1025, 226 USPQ 881, 886-87

(Fed. Cir. 1985) (quoting *Keller*, 642 F.2d at 425, 208 USPQ at 881).

Here, the rejection is based on the combination of Goss and Kannan. Goss

discloses "[a] system for managing communications between a customer and a

business having a call center with a plurality of agent workstations. . . ." Col. 24, ll. 48-

50. An "agent can . . . establish a TCP/IP communications session with the customer.

This TCP/IP session can proceed between the agent's Web browser and the

customer's Web browser. . . ." Col. 2, ll. 4-9. Because "the visible actions performed by

the agent are transferred to the customer and displayed on the customer's browser," *id.*

at ll. 9-11, we find that the session accomplishes synchronized browsing. The

examiner's finding that "Goss et al disclose . . . generating a browsing command at the

guide terminal and sending the browsing command to the follower terminal,"

(Examiner's Answer at 3-4), moreover, is uncontested.

For its part, Kannan teaches that "secure customer service over the Web can be provided using Web-based security techniques or devices that are known. . . ." ¶ 0129. "In one preferred example, security for . . . communications . . . is provided through a secure socket layer (SSL). The secure socket layer is a widely used protocol for implementing cryptography in the Web. SSL can be invoked from within Java and is supported by current browsers . . . as would be apparent to a person skilled in the art given this description." *Id.* "A secure protocol, such as, secure HTTP (S-HTTP), can also be used." *Id.* "[O]ther compatible encryption protocols and security techniques can be used in addition to or instead of SSL and S-HTTP." *Id.* "In this way, parties can ask questions and exchange personal data, credit card information, etc. to complete [a] commercial transaction." ¶ 0010.

Because Goss generates a synchronized browsing command, and Kannan encrypts communications over the Web to provide secure customer service, we are persuaded that the combined teachings of the references would have suggested encrypting a synchronized browsing command. Therefore, we affirm the obviousness rejection of claim 28 and of claims 1, 2, and 5-10, which fall therewith.

B. Claims 3, 4, 23, 26, 29, 30, and 41

The appellants stipulate, "[c]laims 3, 4, 29 and 30 stand together," (Appeal Br. at

6), and "claims 23, 26 and 41 stand together." (*Id.* at 7.) We select claims 29 and 23

from the respective groups as representative of the claims therein.

Characterizing "[t]he specific issue at hand . . . [a]s whether or not the follower

terminal should be granted access to certain content," (Examiner's Answer at 13), the

"Examiner submits that the Camaisa reference focuses on this issue and solves a

similar problem." (*Id.*) Admitting that "restricting a user's access may be a legitimate

concern in a system such as the Camaisa patent where browsing is unguided," (Appeal

Br. at 12), the appellants argue, "this does not suggest restricting access in a system

where *a guide terminal leads* a synchronized browsing session as in the Goss patent."

(*Id.*)

1. Claim Construction

Claim 23 recites in pertinent part the following limitations: "determining whether

access to content associated with the browsing command is permitted;" similarly,

claim 29 recites in pertinent part the following limitations: "determining whether or not

access to content associated with the browsing command is permitted. . . ." Giving the

representative claims their broadest, reasonable construction, we agree with the

appellants that the limitations require restricting access in a system where a guide

terminal leads a synchronized browsing session. (*Id.*)

2. Obviousness Determination

Turning to the references, the appellants admit that "a guide terminal leads a

synchronized browsing session . . . in the Goss patent." (*Id.* (emphasis omitted)). More

specifically, the primary reference discloses that "[o]nce TCP/IP communications are

established between the agent and the customer, the agent can perform visible tasks

on the agent's Web browser, and the customer can view these tasks." *Id.* at II. 47-50.

For its part, Camaisa "relates . . . to browsers for wide area computer networks

such as the [I]nternet. . . ." Col. 1, II. 5-8. The tertiary reference "recognizes that

under certain circumstances, it is desirable to limit a user's network access. For

example, service providers who would underwrite public computer kiosks would prefer

that users of the kiosks be able to access the Web pages of the service providers,

without affording access to the thousands of other nodes on the network." *Id.* at II. 56-

62. To meet this desire, Camaisa "includes a modular closed browser 32." Col. 4, II.

31-32. "[T]he browser 32 is 'closed' in that it permits a user of [a] computer 12 to select

for access only predetermined destinations." *Id.* at ll. 33-35.

Because Goss employs a guide terminal to lead a synchronized browsing

session, and Camaisa restricts browsing access to predetermined destinations, we are

persuaded that the combined teachings of the references would have suggested

restricting access in a system where a guide terminal leads a synchronized browsing

session. Therefore, we affirm the obviousness rejection of claim 23; of claims 26 and

41, which fall therewith; of claim 29; and of claims 3, 4, and 30, which fall therewith.

C. CLAIMS 24 AND 25

The appellants stipulate, "claims 24 and 25 stand together." (Appeal Br. at 8.)

We select claim 24 from the pair as representative of the claims therein.

The examiner finds, "Goss et al disclose . . . generating a browsing command at

the guide terminal and sending the browsing command to the follower terminal (Col. 8,

lines 50-63. . . ." (Examiner's Answer at 3-4.) He also finds, "Kannan . . . teaches that

secure communication can be attained because the invention incorporates a Secure

Socket Layer []or other Web security technique (Page 3, 0032; Page 5, 0063; Page 11,

0129) such as a Secure Hypertext Transport Protocol (Page 4, 0061), which were well

known security protocols at the time of applicant's invention, designed to support

various encryption and authentication measures such as public key encryption to keep

all transactions secure from end to end." (*Id.* at 4.) The appellants argue, "[s]ecuring..

.. **personal information with encryption in no way suggests securing a browsing**

command using encryption." (Appeal Br. at 17.)

1. Claim Construction

Claim 24 recites in pertinent part the following limitations: "the synchronized

browsing command accepted from the guide terminal is encrypted. . . ." Giving the

representative claim its broadest, reasonable construction, the limitations require

encrypting a synchronized browsing command.

2. Obviousness Determination

Here, the rejection is based on the combination of Goss, Kannan, and Camaisa.

Goss discloses "[a] system for managing communications between a customer and a

business having a call center with a plurality of agent workstations. . . ." Col. 24, ll. 48-

50. Using such a workstation, an "agent can . . . establish a TCP/IP communications

session with the customer. This TCP/IP session can proceed between the agent's Web

browser and the customer's Web browser. . . ." Col. 2, II. 4-9. Because "the visible actions performed by the agent are transferred to the customer and displayed on the customer's browser," *id.* at II. 9-11, we find that the session accomplishes synchronized browsing. The examiner's finding that "Goss et al disclose . . . generating a browsing command at the guide terminal and sending the browsing command to the follower terminal," (Examiner's Answer at 3-4), moreover, is uncontested.

For its part, Kannan teaches that "secure customer service over the Web can be provided using Web-based security techniques or devices that are known. . . ." ¶ 0129. "In one preferred example, security for . . . communications . . . is provided through a secure socket layer (SSL). The secure socket layer is a widely used protocol for implementing cryptography in the Web. SSL can be invoked from within Java and is supported by current browsers . . . as would be apparent to a person skilled in the art given this description." *Id.* "A secure protocol, such as, secure HTTP (S-HTTP), can also be used." *Id.* "[O]ther compatible encryption protocols and security techniques can be used in addition to or instead of SSL and S-HTTP." *Id.* "In this way, parties can ask questions and exchange personal data, credit card information, etc. to complete [a] commercial transaction." ¶ 0010.

Because Goss generates a synchronized browsing command, and Kannan

encrypts communications over the Web to provide secure customer service, we are

persuaded that the combined teachings of the references would have suggested

encrypting a synchronized browsing command. Therefore, we affirm the obviousness

rejection of claim 24 and of claim 25, which falls therewith.

D. CLAIMS 27, 38, AND 39

Admitting that "the combination of Goss et al and Kannan fail[s] to specifically

disclose determining, at the follower terminal, whether or not access is permitted to the

content, and if it is, then requesting the content, and if it is not permitted, then not

requesting the content," (Examiner's Answer at 5), the examiner finds, "Camaisa et al

further disclose that if access is determined to be not allowed based upon a second set

of rules which specify whether the content or web site is on a NO GO list, then the

content is not requested (Col. 2, lines 26-32 and 41-48; Col. 3, lines 19-30; Col. 4,

lines 31-39; Col. 5 line 59 - Col. 6 line 18)." (*Id.*) The appellants argue, "[t]he Camaisa

patent merely discloses a simple list of permissible Websites. It neither teaches, nor

suggests, the two-step process of (1) checking a first list to filter out, and (2) if filtered

out, checking a second list to allow back in. . . ." (Appeal Br. at 13.)

1. Claim Construction

"The Patent and Trademark Office (PTO) must consider all claim limitations

when determining patentability of an invention over the prior art." *In re Lowry*, 32 F.3d

1579, 1582, 32 USPQ2d 1021, 1034 (Fed. Cir. 1994) (citing *In re* Gulack, 703 F.2d

1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983)). Here, claims 27, 38, and 39

recite in pertinent part the following limitations:

> the act of determining whether access to content associated with a
> browsing command is permitted includes
>
> > i) determining whether or not the browsing command includes a
> > resource locator that has a NO GO status based on at least one of
> > first rules regarding resource locators and a first list of resource
> > locators;
> >
> > ii) if it is determined that the browsing command includes a
> > resource locator that has a NO GO status, then
> >
> > > A) setting a status to NO GO,
> > >
> > > B) determining whether or not the browsing command
> > > includes a resource locator that has a GO status based on
> > > at least one of second rules regarding resource locators and
> > > a second list of resource locators, and
> > >
> > > C) if it is determined that the browsing command includes a
> > > resource locator that has a GO status, then setting the
> > > status to GO; and
> >
> > iii) requesting the content associated with the browsing command if
> > the status is GO.

Considering these limitations, claims 27, 38, and 39 require a two-step process of checking a first list to filter out URLs and, if a particular URL is filtered out thereby, checking a second list to allow access to the URL.

2. Obviousness Determination

In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)). "'A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.'" *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)).

Here, Camaisa checks a list to filter out URLs. Specifically, its "closed browser for navigating the world-wide web includes a tabular listing of destination addresses, such as uniform resource location codes (URL)." Abs., II. 1-3. If a particular URL is filtered out thereby, however, we are unpersuaded that the tertiary reference checks a second list to allow access to the URL. To the contrary, the examiner admits, "Camaisa

et al further disclose that if access is determined to be not allowed based upon a

second set of rules which specify whether the content or web site is on a NO GO list,

then the content is not requested. . . ." (Examiner's Answer at 5.) The tertiary

reference confirms this admission by teaching that "[a] user may select a destination

address only from the tabular listing, and may not directly input a URL that is not

contained in the listing." Abs., ll. 8-10.

The examiner does not allege, let alone show, that the addition of Kannan cures

the aforementioned deficiency of Goss and Camaisa. Absent a teaching or suggestion

of a two-step process of checking a first list to filter out URLs and, if a particular URL is

filtered out thereby, checking a second list to allow access to the URL, we are

unpersuaded of a *prima facie* case of obviousness. Therefore, we reverse the

obviousness rejections of claims 27, 38, and 39.

E. CLAIMS 40 AND 42

Admitting that "Goss et al further fail to specifically disclose wherein the follower

terminal is configured such that at least one of downloading applets is disabled and

execution of applets is disabled," (Examiner's Answer at 4), the examiner "submits that

it would have been obvious to one having ordinary skill in the art to disable the

download and/or execution of applets since applicant admits that it is a well known fact

that applets pose a security risk, since browser software includes the ability to disable

applets as admitted by applicant, and further since Kannan provides a specific

suggestion that the invention is not intended to be limited to Java applets or Java

enabled browsers, and can be implemented in any programming language and

browser, developed now or in the future." (*Id.* at 12.) The appellants argue, "**one**

skilled in the art would not have been motivated to disable ápplets and/or prevent

their download because <u>the Goss and Kannan references both rely on applets to</u>

<u>work</u>." (Appeal Br. at 12.)

1. Claim Construction

Claims 40 and 42 recite in pertinent part the following limitations: "the follower

terminal is configured such that at least one of downloading applets is disabled and

execution of applets is disabled."

2. Obviousness Determination

"[P]rior art references . . . must be read as a whole and consideration must be

given where the references diverge and teach away from the claimed invention." *Akzo*

N.V. v. U.S. Intn'l Trade Comm'n, 808 F.2d 1471, 1481, 1 USPQ2d 1241, 1246 (Fed.

Cir. 1986) (citing *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 1550, 220 USPQ

303, 311 (Fed. Cir. 1983)). "A reference teaches away impliedly when a modification or

combination would render inoperable the invention disclosed in the reference." Lance

Leonard Barry, *Teaching A Way Is Not Teaching Away*, 79 J. Pat. & Trademark Off.

Soc'y 867, 872 (1997).

Here, Goss purposefully downloads and executes applets for stated purposes.

Specifically, "Java applets . . . manage the call-back services and TCP/IP sessions with

agents 14." Col. 6, ll. 8-9. More specifically, "[t]he Java applets that run on the agent's

browser and the customer's browser 44 pass the events performed by the agent and

customer to each other." Col. 8, ll. 47-50. Furthermore, "[o]nce the Java applets are

downloaded and running on both the agent's 64 and customer's browsers 62, HTML

files can be passed between the agent browser 64 and the customer browser 62."

Col. 9, l. 66 - col. 10, l. 2.

The examiner's proposal to disable the downloading or executing of applets

"would require . . . a change in the basic principles under which," *In re Ratti*, 270 F.2d

810, 813, 123 USPQ 349, 352 (CCPA 1959), Goss "was designed to operate." *Id.*, 123

USPQ at 352. "Such a material and radical modification of the prior art would be

contrary to the teachings of the primary reference patent . . . and could be made only

with the assistance of [the] appellant's disclosure." *In re Irmscher*, 262 F.2d 85, 87, 120

USPQ 196, 198 (CCPA 1958).

The examiner does not allege, let alone show, that the addition of Kannan cures

the aforementioned deficiency of Goss. Absent a teaching or suggestion that the

follower terminal is configured such that at least one of downloading applets is disabled

and execution of applets is disabled, we are unpersuaded of a *prima facie* case of

obviousness. Therefore, we reverse the obviousness rejection of claims 40 and 42.

F. CLAIMS 11-13, 20, 33, 34, 36, AND 37

The appellants stipulate, "claims 11-13, 20, 33, 34, 36 and 37 stand together."

(Appeal Br. at 7.) We select claim 20 from the group as representative of the claims

therein. With this representation in mind, we focus on the following three points of

contention between the examiner and the appellants:

- sending a browsing command
- disabling applets
- establishing a session.

1. Sending a Browsing Command

The appellants argue, "[t]he Choung patent neither teaches, nor suggests,

sending, from a guide terminal to a follower terminal, 'a browsing command'." (Appeal

Br. at 14.) "[L]imitations are not to be read into the claims from the specification." *In re*

Van Geuns, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993) (citing *In re*

Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)). Here, the limitation

argued by the appellants, viz., "sending, from a guide terminal to a follower terminal, 'a

browsing command, '" (Appeal Br. at 14), is absent from claim 20. Therefore, their

argument, which is premised on that limitation, is unpersuasive.

2. Disabling Applets

The appellants argue, "the Examiner has not established any motivation in the

art to disable applets in the context of the system discussed in the Choung patent." (*Id.*

at 15.) The examiner replies, "the body of the claim does not depend on this language

in the preamble for completeness and the process steps are able to stand alone. Thus,

this language appearing in the preamble should not be afforded any patentable weight."

(Examiner's Answer at 15.)

"Generally, . . . the preamble does not limit the claims." *DeGeorge v. Bernier*, 768 F.2d 1318, 1322 n.3, 226 USPQ 758,   761 n.3 (Fed. Cir. 1985). In particular, "[t]he preamble of a claim does not limit the scope of the claim when it merely states a purpose or intended use of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994) (citing *DeGeorge*, 768 F.2d at 1322 n.3, 226 USPQ at 761 n.3). "Where . . . the effect of the words [in the preamble] is at best ambiguous . . . a compelling reason must exist before the language can be given weight." *Arshal v. United States*, 621 F.2d 421, 430-31, 208 USPQ 397, 406-07 (Ct. Cl. 1980) (citing *In re de Castelet*, 562 F.2d 1236, 1244 n.6, 195 USPQ 439, 447 n.6 (CCPA 1977)).

Here, in contrast to claims 40 and 42, the disabling of applets appears only in the preamble of claim 20. The mention thereof merely states a purpose or intended use of the claimed "method for establishing a synchronized browsing session between a guide terminal and a follower terminal. . . ." The body of the representative claim neither repeats nor references the disabling. Instead, the body specifies steps of the method. Because the language in the body of the claim standing alone is clear and unambiguous, we find no compelling reason to give the disabling weight. Therefore, the appellants' argument, which is premised on the disabling, is unpersuasive.

3. Establishing a Session

The examiner finds, "Choung et al disclose a method for effecting a synchronized browsing session between a guide terminal and a follower terminal (Abstract). . . ." (Examiner's Answer at 6.) The appellants argue, "the Examiner did not even address the recited method for establishing a synchronized browsing session. . . ." (Appeal Br. at 15.)

a. Claim Construction

Claim 20 recites in pertinent part the following limitations: "method for establishing a synchronized browsing session between a guide terminal and a follower terminal. . . ." Giving the representative claim its broadest, reasonable construction, the limitations require establishing a synchronized browsing session between a guiding terminal and a following terminal.

2. Obviousness Determination

Here, Choung discloses a bi-directional information exchange mechanism for collaborative network navigation among a group of user terminals. Tit. Generally, the reference "is able to track, synchronize web navigation, and manage a navigation session, among the user terminals." Col. 3, ll. 42-44. "Referring to FIG. 6, there is

shown the steps of performing a web site collaborative navigation session. . . ." Col. 6,

ll. 64-66. More specifically, step 604 "CREATE[S] A SESSION." Fig. 6. Because

"terminal 102.$_1$ is indicated as the leading terminal, and terminal 102.$_2$ as the following

terminal, of the session," col. 7, ll. 12-13, we find that the reference establishes a

browsing session between a guiding terminal and a following terminal.

"Browser synchronizer 206 (or 216) is able to perform synchronization process

for browser 204 (or 214). Specifically, browser synchronizer 206 (or 216) receives

synchronization commands and web site location information from collaborative

controller program 224, and requests web browser 204 (or 214) to display the

synchronized web page." Col. 4, ll. 3-9. "In step 608, user 1 uses web browser 204 in

[leading] terminal 102.$_1$ to navigate a new web page. . . ." Col. 7, ll. 28-31. "In

step 616, the browser synchronizer(s) in the following terminal(s) updates/update

its/their respective web browser(s) with the new web page location information. In this

example, browser 216 updates web browser 214 with the new web page location

information. In step 618, the web browser(s) in the following terminal(s) loads/load the

new web page based on the new web page location information." *Id.* at ll. 48-55.

Because Choung synchronizes the navigation session between its leading

terminal and following terminal, we find that the reference establishes a synchronized

browsing session between a guiding terminal and a following terminal. Therefore, we

affirm the obviousness rejection of claim 20 and of claims 11-13, 33, 34, 36 and 37,

which fall therewith.

G. CLAIMS 14, 21, 22, AND 35

The appellants stipulate, "claims 14, 21, 22 and 35 stand together." (Appeal Br.

at 7.) We select claim 21 from the group as representative of the claims therein.

The examiner asserts, "Choung et al disclose . . . generating a browsing

command at the guide terminal and sending the browsing command to the follower

terminal for acceptance and in response to a request from the guide terminal (Col. 7,

lines 27-35). . . ." (Examiner's Answer at 6.) He also finds, "Kannan . . . teaches that

secure communication can be attained because the invention incorporates a Secure

Socket Layer []or other Web security technique (Page 3, 0032; Page 5, 0063; Page 11,

0129) such as a Secure Hypertext Transport Protocol (Page 4, 0061), which were well

known security protocols at the time of applicant's invention, designed to support

various encryption and authentication measures such as public key encryption to keep

all transactions secure from end to end." (*Id.* at 8.) The appellants argue, "[s]ecuring .

. . **personal information** with encryption in no way suggests securing a **browsing**

command using encryption." (Appeal Br. at 15.)

Because the limitation argued by the appellants, viz., "**securing a browsing**

command using encryption," (*id.*), is absent from claim 21, their argument, which is

premised on that limitation, is unpersuasive. Therefore, we affirm the obviousness

rejection of claim 21 and of claims 14, 22, and 35, which fall therewith.

CONCLUSION

In summary, the rejections of claims 1-14, 20-26, 28-30, 33-37, and 41 under

§ 103(a) are affirmed. The rejections of claims 27, 38-40, and 42 under § 103(a),

however, are reversed.

"Any arguments or authorities not included in the brief will be refused

consideration by the Board of Patent Appeals and Interferences. . . ." 37 C.F.R.

§ 1.192(a). Accordingly, our affirmance is based only on the arguments made in the

briefs. Any arguments or authorities omitted therefrom are neither before us nor at

issue but are considered waived. *Cf. In re Watts*, 354 F.3d 1362, 1367, 69 USPQ2d

1453, 1457 (Fed. Cir. 2004) ("[I]t is important that the applicant challenging a decision

not be permitted to raise arguments on appeal that were not presented to the Board.")

No time for taking any action connected with this appeal may be extended under 37

C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART
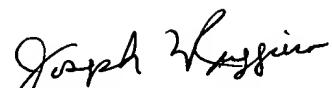
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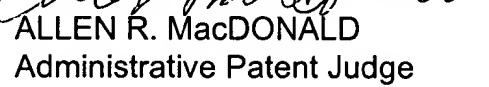
VERIZON CORPORATE SERVICES GROUP INC.
C/O CHRISTIAN R. ANDERSEN
600 HIDDEN RIDGE DRIVE
MAILCODE HQEO3H14
IRVING, TX 75038